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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,549	07/03/2001	Erno Kovacs	450117-03450	2858
20999	7590	02/24/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 02/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,549

Applicant(s)

KOVACS ET AL.

Examiner

Haresh Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 9-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>2/15/2006</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-5, 7 and 9-10 are subject to examination. Claims 6 and 8 are cancelled.

Response to Arguments

2. Applicant's arguments filed 11/10/2005 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-7, 9 and 10 is maintained.

Applicant argues (1), "changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. 101, 102, 103, or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which applicants are entitled".

The examiner respectfully disagrees in response to applicant's arguments. The limitations, "a port core service, a user management core service, a plurality of special services" etc., has been newly added, and has narrowed the scope of all the presented claims, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action). Therefore, the rejection is maintained.

Applicant argues (2), "Applicants submit that Helgesen, Gershman, and Conner fail to teach or suggest a portal core service, a user management core service, and a plurality of special services, each structured according to a model-view-controller architecture, each of said special services comprise wherein each of the plurality of special services are designed to communicate with each of a remaining plurality of special services directly, via the controller of the special service, as recited in claim 1. Therefore, claim 1 is patentable. For reasons similar to those described above, claims 7 and 9 are also believed to be patentable".

The examiner respectfully disagrees in response to applicant's arguments. The amended limitations, "a portal core service, a user management core service, and a plurality of special services, each structured according to a model-view-controller architecture, each of said special services comprise wherein each of the plurality of special services are designed to communicate with each of a remaining plurality of special services directly" etc., has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action). Therefore, the rejection is maintained.

Drawings

3. New corrected drawings are required in this application because Figures 1-8 do not show, the claimed invention, i.e., a plurality of special services each structured according to a model-view-controller architecture, model containing data (note: figure 2 has model different than data), presentation of the data of a model, designed to communicate with each of a remaining plurality of special services directly, via the controller of the special service, to select one of the plurality of views for the presentation in accordance with one of a browser characteristic of the client, service relative content of each of said plurality of views is identical, a state of the controller is determined in accordance with an earlier client's request, administrative processing, services distributed over a network". Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled --Replacement

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Sheet-- in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1 and 9 are objected to because of the following informalities:

Claim 1 mentions, "a controller for the special service", and "the controller of the special service", which should be --a controller for the respective special service--, and --the controller for the respective special service--, respectively.

Claim 9 mentions, "Model-View-Controller", which should be --model-view-controller--.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-5 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-5 and 7 are software per se that is not tangibly embodied on a computer readable medium and therefore lacks a practical application because it alone cannot produce its intended outcome. Also, the claims do not perform acts to produce a tangible result.

6. Referring to claims 1-5 and 7 merely claimed as a computer program i.e., portal application representing a computer components *per se*, that is, descriptions or expressions of such a program and that is, descriptive material *per se*, non-functional descriptive material, and is not statutory because it is not a physical “thing” nor a statutory process, as there are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention, which permit the computer program’s functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process, without the computer-readable medium needed to realize the computer program’s functionality. In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program’s functionality to be realized, and is thus statutory. **Warmerdam**, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). See MPEP § 2106(IV)(B)(1)(a).

Response to Amendment

7. The amendment filed 11/10/2005 (and earlier amendments) is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a. presented limitations, “directly, via the controller of the special service”,

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in claim 1,

- b. presented limitations, “establishing a direct communication link”, as claimed in claim 9.

Applicant is required to cancel the new matter, to avoid abandonment of this application, in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 8. Claims 1-5, 7 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.
- 9. The specification of this application does not provide software that implements a portal application of the claims 1-5 and 7, without using hardware.
- 10. The specification does not provide support to implement limitations, “directly, via the controller of the special service”, as claimed in claim 1. Note: communicating directly between two objects (services) is in contrast with communicating via the controller (using) between two objects (services), and hence, both cannot happen together.
- 11. The specification does not provide support to implement limitations, “establishing a direct communication link”, as claimed in claim 9. Note: figure 4 of this application shows that

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a direct connection between a client and a service is not performed, and the specification fails to support defining what a direct communication link is and/or how a direct communication is different than a not-direct communication.

Examiner has reviewed the specification (and also OCR whole document) and could not find support for the limitations as claimed.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helgeson et al. 6,643,652 (Hereinafter Helgeson) in view of Gershman et. al. 6,199,099 (Hereafter Gershman).

14. As per claims 1 and 9, Helgeson teaches the following:

portal application for providing access from a client (e.g., figures 1, 3) to a multimedia service (e.g., col., 51, lines 25 – 52),

a portal core service (e.g., figures 1, 3, col., 4, lines 39 – 54, col., 5, line 56 – col., 6, line 11, col. 7, lines 47 – 61),

a user management core service (e.g., figures 1, 3, col., 4, lines 39 – 54, col., 5, line 56 – col., 6, line 11, col. 7, lines 47 – 61); and

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wherein the portal application comprises a plurality of special services (e.g., col., 4, lines 39 – 54, col., 5, line 56 – col., 6, line 11, col. 7, lines 47 – 61),

each structured according to the model-view-controller architecture (e.g., col., 11, lines 28 – 45, col., 49, line 55 – col., 50, line 10, col., 50, line 53 – col., 51, line 40), and

each of said special services (e.g., col., 4, lines 39 – 54, col., 5, line 56 – col., 6, line 11, col. 7, lines 47 – 61), comprising

at least one model containing data (e.g., database management system 309, col. 11, lines 27 – 38, col., 49, line 55 – col., 50, line 10),

a controller for the special service (e.g., col., 51, lines 54 – col., 52, line 38) and

at least one view for the presentation of data of a model (col., 49, line 55 – col., 50, line 10),

wherein each of the plurality of special services (e.g., col., 4, lines 39 – 54, col., 5, line 56 – col., 6, line 11) are designed to communicate with each of a remaining plurality of special services, usage of controller of the special service (e.g., col., 11, lines 28 – 45, col., 49, line 55 – col., 50, line 10, col., 50, line 53 – col., 51, line 40) using the controller (e.g., col., 51, lines 54 – col., 52, line 38, col. 11, lines 27 – 38),

a plurality of views (e.g., an application would typically also include UI components (such as JSP pages or servlets) which would use such business components, col., 27, lines 20-47), for the presentation of data of different mark-up languages (e.g., HTML, XSL/XSLT, WAP/WML, etc. figure 4),

multimedia service comprises a portal application (e.g., services offered by information server, interface server, business server of the SABA business platform, figure 17),

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sending a request to a first core service responsible for user management and/or administrative processing (e.g., communication between the applications, common business objects and the core services, figure 5),

forwarding, according to the model-view-controller architecture (e.g., col., 11, lines 28 – 45, col., 49, line 55 – col., 50, line 10, col., 50, line 53 – col., 51, line 40), the request from the first core service (e.g., figure 5, block 503) to a second special service (e.g., figure 5, blocks, 529, 531), and

establishing a communication between the client and the second special service (e.g., client connection to the SABA business platform services supported by the interface server, figure 17, The present mechanism provides a solution to the needs described above through a system and method for managing data exchange among systems in a network. The systems and methods of the present mechanism translate data from a system specific local format to a generic interchange format object, and vice versa, with predefined stylesheets using generic components and a system specific service components which utilize a native application programming interface of the specific local system, abstract).

However, Helgeson do not specifically mention about communicating with each of a remaining plurality of services directly, via controller.

Gershman discloses the well-known concept of communicating with each of a remaining plurality of services directly (e.g., paragraphs 181, 281-284, 289), via controller (e.g., 286 – 288, 384 – 388).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Helgeson with the teachings of Gershman in order to

facilitate communicating with each of a remaining plurality of services directly / via controller because the direct / via controller communication would provide enhanced way of communicating between services. The services would provide information to each other using the enhanced communication mechanism.

15. Claims 2-5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helgeson and Gershman in view of Conner et al., 6,718,515 (Hereinafter Conner).

16. As per claims 2-5, 7, 10, Helgeson and Gershman disclose the claimed limitations as rejected above. Helgeson also teaches the following:

a controller (e.g., Servlet, col., 27, lines 20-47) of a service is designed to select one of a plurality of views (e.g., Java Server Pages, col., 27, lines 20-47) of the service in accordance with a mark-up language used, the state of the controller is a function of a client's request, the special services are distributed over a network (e.g., HTML, XSL/XSLT, WAP/WML, etc. figure 4, The present mechanism provides a solution to the needs described above through a system and method for managing data exchange among systems in a network. The systems and methods of the present mechanism translate data from a system specific local format to a generic interchange format object, and vice versa, with predefined stylesheets using generic components and a system specific service components which utilize a native application programming interface of the specific local system, abstract),

a state of the controller is determined in accordance with an earlier client's request (e.g., col., 114, lines 48 – 57, col., 11, lines 28 – 45, col., 49, line 55 – col., 50, line 10, col., 50, line 53

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– col., 51, line 40) and forwarding according to the model view controller architecture (e.g., col., 11, lines 28 – 45, col., 49, line 55 – col., 50, line 10, col., 50, line 53 – col., 51, line 40),

a controller of a service is designed to control at least second controller (e.g., col., 27, line 20 – col. 28, line 45),

wherein said controller is contained in said service or in a different service (e.g., Servlet controlling another servlet handling a service , col., 27, line 20 – col. 28, line 45),

the controller of a service is designed to control a plurality of views each of said plurality of views allows a different presentation (e.g., col., 27, line 20 – col. 28, line 45),

said plurality of views is representative of at least two different mark-up languages (e.g., col., 27, line 20 – col. 28, line 45, figure 4),

in accordance with at least one of a browser characteristic of the client, device characteristics, time and/or date location, language, and one or more user preferences (e.g., depending on locales, languages, timezones, and display formats, etc., col., 7, lines 5 – 61).

However, Helgeson and Gershman do not specifically mention about service relative content of each of said plurality of views is identical.

Conner discloses the well-known concept of service relative content of each of said plurality of views is identical (e.g., paragraph 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Helgeson and Gershman with the teachings of Conner in order to facilitate service relative content of each of said plurality of views is identical because the plurality of views would utilize the same content information. Utilizing the same content information would avoid duplicate effort for supporting different view.

Conclusion

17. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

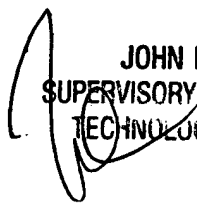
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

February 14, 2006

 **JOHN FOLLANSBEE**
SUPERVISORY PATENT EXAMINER
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